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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE MAIOLO,

Defendant.

Case No. CR-S-96-146-LDG

**MOTION FOR SUPPLEMENTARY
PROCEEDINGS (EXAMINATION OF
JUDGEMENT DEBTOR)**

The United States of America, by and through Daniel G. Bogden, United States Attorney, and Roger Wenthe, Assistant United States Attorney, moves this Honorable Court for an order requiring defendant, Wayne Maiolo, to appear before a United States Magistrate Judge at a time and place to be set by the court for examination supplementary to judgment pursuant to Rule 69 of Fed. R. Civ. P., 28 U.S.C. § 3105, and N.R.S. 21.270.

POINTS AND AUTHORITIES

The Federal Debt Collection Procedure Act is "the exclusive civil procedures for the United States ... to recover a judgment on a debt." 28 U.S.C. § 3001(a)(1)). A debt is an amount owed "to the United States on account of ... [an] other source of indebtedness to the United States" 28 U.S.C. § 3002(3)(B). A judgment is "a judgment ... entered in favor of the United States in a court and arising

1 from a ... criminal proceeding” 28 U.S.C. § 3002(8). A criminal money judgment against a defendant
2 is a judgment entered as a debt in favor of the Government. *See* 28 U.S.C. §§ 3001(a)(1), 3002(3)(B)
3 and (8), 3201, and 3202(a). The creation, duration, and renewal of judgment liens are part of Subchapter
4 C. *See* 28 U.S.C. §§ 3201 and 3202(a). Since judgments include criminal money judgments, the
5 judgment lien is good for 20 years and can be renewed for another 20 years. *See* 28 U.S.C. §§ 3002(8),
6 3201, and 3202(a).

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8 This motion is based upon the attached Declaration and the pleadings and papers on file herein.

9 DATED this 15th day of December, 2014.

10 DANIEL G. BOGDEN
11 United States Attorney

12 /s/ Roger Wenthe
13 ROGER WENTHE
14 Assistant United States Attorney
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DECLARATION

FOR MOTION FOR SUPPLEMENTARY PROCEEDINGS
(EXAMINATION OF JUDGMENT DEBTOR)

STATE OF NEVADA)
)
COUNTY OF CLARK)

Mary Booker, declares pursuant to 28 U.S.C. §1746 under penalty of perjury that the foregoing is true and correct.

1. I am a Legal Assistant in the Financial Litigation Unit for the United States Attorney's Office, District of Nevada. I have custody of the records in this office pertaining to this collection matter.
2. Judgment was entered, for the plaintiff and against defendant on, January 24, 1997, for the sum of \$201,962.27, together with interest thereon from the date of judgment and court costs.
3. Wayne Maiolo resides within the jurisdiction of this Court.
4. The judgment has not been satisfied, vacated, reversed, or barred by the Statute of Limitations, and is one on which execution may properly issue.
5. The judgment remains unpaid.

/s/ Mary Booker
Mary Booker
Legal Assistant
Financial Litigation Unit

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

WAYNE MAIOLO,

Defendants.

Case No. 2:96-CR-146-LDG

**ORDER FOR SUPPLEMENTARY PROCEEDINGS OF JUDGMENT
DEBTOR EXAMINATION**

On plaintiff's motion and good cause appearing, the defendant, Wayne Maiolo, is hereby Ordered to appear before the United States Magistrate in courtroom 3B, Lloyd D. George Federal Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101, on the 3rd day of March, 2015 at 1:45 p.m., to then and there answer upon oath concerning the property of the defendant and for such other proceedings as there may occur consistent with proceedings supplementary to execution.

It is further ordered that you, the defendant, bring to the hearing the following:

1. Your three most recent federal income tax returns with their attachments.
2. Copies of all personal and business financial statements concerning checking and savings accounts for the past twelve months.
3. A copy of the titles to all you and your spouses' vehicles, automobiles, boats, aircraft, etc
4. Copies of your earnings statements (i.e. paychecks) for the past twelve months.
5. Copies of your bills for the past twelve months to verify statements on the financial form.

1 It is further ordered that a copy of this order shall be served upon the defendant by the
2 United States Marshall or private process service at least 7 calendar days before the
3 hearing scheduled herein.

4 Failure to appear may subject you, the defendant, to punishment for contempt of court.
5

6 DATED this 13th day of January, 2015.
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9 
10 United States Magistrate Judge

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12 SUBMITTED BY:

13 DANIEL G. BOGDEN
14 United States Attorney

15 /s/ Roger Wenthe
16 ROGER WENTHE
Assistant United States Attorney
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